

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ANTHONY EUGENE HANCOCK,	)	8:17CV488
	)	
Plaintiff,	)	
	)	MEMORANDUM
v.	)	AND ORDER
	)	
LINCOLN POLICE DEPARTMENT,	)	
<i>et al.</i> ,	)	
	)	
Defendants.	)	
_____	)	

This matter is before the court on Plaintiff's Request to Re-Open Case (Filing No. [13](#)) and Plaintiff's Motion to Supplement and Amend Complaint (Filing No. [14](#)), both of which were filed on March 21, 2018. Plaintiff currently is an inmate at the Lincoln Diagnostic and Evaluation Center, and was also confined there when his Complaint was filed on December 21, 2017.

On January 4, 2018, Plaintiff filed a Motion to Dismiss/Withdraw Complaint Without Prejudice, indicating that he "ha[d] not given the states officials ample time to correct the defendants['] misconduct" (Filing No. [8](#)).<sup>1</sup> The court granted the motion and dismissed the action without prejudice on January 25, 2018 (Filing No. [11](#), [12](#)).<sup>2</sup>

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<sup>1</sup> In support of the Request to Re-Open Case, Plaintiff explains that "[t]he reason why [he] requested a dismissal without prejudice was because he had a complaint pending on the defendants with Internal Affairs and the Lincoln Police Advisory Board" (Filing No. [13](#)).

<sup>2</sup> Before dismissing the action, the court granted Plaintiff leave to proceed in forma pauperis (Filing No. [10](#)). On March 15, 2018, Plaintiff paid the initial partial filing fee of \$5.85.

Liberally construing the Request to Re-Open Case as a motion for relief from judgment filed pursuant to [Federal Rule of Civil Procedure 60\(b\)\(6\)](#), the court finds there is good cause for vacating the Judgment that was entered on January 25, 2018, and reinstating this case to the active docket. The court will conduct an initial review of Plaintiff's Complaint in due course to determine whether summary dismissal is appropriate under [28 U.S.C. §§ 1915\(e\)\(2\)](#) and [1915A](#).

The Motion to Supplement and Amend Complaint will be denied. Although designated as a motion, this filing essentially combines a supplemental pleading with a brief. Plaintiff alleges in his Complaint (Filing No. [1](#)) that four Lincoln police officers were granted access to his apartment on November 15, 2017, under the pretense of investigating a domestic dispute and then proceeded to search the place and to question him about drug dealing. He alleges in the Motion that a fifth officer cited him for false reporting in retaliation for filing complaints with Internal Affairs and the Lincoln Police Advisory Board on December 14, 2017. This new claim cannot be joined with the claims that are alleged in the Complaint because it does not arise out of the same transaction and does not involve a question of law or fact that is common to all defendants. *See* [Fed. R. Civ. P. 20\(a\)\(2\)](#). The remainder of the Motion consists of abstract statements of law and legal arguments that do not belong in a complaint. *See* [Fed. R. Civ. P. 8](#). No additional facts are alleged to support the claims that are made in the Complaint that was filed on December 21, 2017.

IT IS THEREFORE ORDERED that:

1. Plaintiff's Request to Re-Open Case (Filing No. [13](#)), liberally construed as a motion for relief from judgment filed pursuant to Federal Rule of Civil Procedure 60(b)(6), is granted.

2. The court's Judgment entered on January 25, 2018 (Filing No. [12](#)), is vacated and this case is reinstated to the active docket.

3. Plaintiff's Motion to Supplement and Amend Complaint (Filing No. [14](#)) is denied.

4. The clerk of the court is directed to set a pro se case management deadline with the following text: May 7, 2018: check for completion of initial review.

DATED this 6<sup>th</sup> day of April, 2018.

BY THE COURT:

*s/ Richard G. Kopf*  
Senior United States District Judge